

S/N 10/559,908

In response to the Office Action dated February 26, 2010

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**APR 07 2010**

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1-11. (Canceled)

12. (Currently Amended) An information recording medium comprising a volume space for recording user data, a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and a defect management information area for recording defect management information used for managing the defective area,

wherein the defect management information contains defect location information indicating a location of the defective area, substitute position information indicating a location of the substitute area, and defect status information indicating an attribute of the defect management information, and

one form of the defect status information indicates that significant user data is not present in any of the defective area and the substitute area,

another form different from the one form of the defect status information indicates that the defect status information is unused, and

the attribute of the defect status information after physical reformatting of the information recording medium indicates ~~that significant user data is not present in any of the defective area and the substitute area~~ the one form.

13. (Currently Amended) A process for recording defect management information used for managing a defective area onto an information recording medium,

wherein the information recording medium includes a volume space for recording user data, a spare area containing a substitute area that can be used in place of the defective area contained in the volume space, and a defect management information area for recording the defect management information, and

S/N 10/559,908

In response to the Office Action dated February 26, 2010

the defect management information contains defect location information indicating a location of the defective area, substitute position information indicating a location of the substitute area, and defect status information indicating an attribute of the defect management information,

one form of the defect status information indicates that significant user data is not present in any of the defective area and the substitute area,

another form different from the one form of the defect status information indicates that the defect status information is unused, and

~~the process comprising:~~

~~recording the attribute of the defect status information indicating that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting of the information recording medium after physical reformatting of the information recording medium indicates the one form.~~

14. (Currently Amended) An information recording device for recording information on an information recording medium including

a volume space for recording user data,

a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and

a defect management information area for recording defect management information used for managing the defective area,

wherein the defect management information contains a DFL entry having defect location information indicating a location of the defective area, substitute position information indicating a location of the substitute area, and defect status information indicating an attribute of the defect management information,

one form of the defect status information indicates that significant user data is not present in any of the defective area and the substitute area, and

another form different from the one form of the defect status information indicates that the defect status information is unused,

the device comprising:

S/N 10/559,908

In response to the Office Action dated February 26, 2010

an initialization processing module, which maintains at least the defect location information of the defect management information as a result of performing physical reformatting upon receiving an execution instruction of the physical reformatting of the information recording medium and overwrites the defect status information with an ~~attribute indicating that significant user data is not present in any of the defective area~~ and the substitute area as a result of physical reformatting the one form.

15. (Previously presented) The information recording device, according to claim 14, wherein the DFL entry of the defect management information further comprises substitute location information indicating a location of the substitute area,

and the initialization processing module erases the substitute location information in the DFL entry, upon receiving an execution instruction of physical reformatting of the information recording medium.

16. (Previously presented) The information recording device according to claim 14, further comprising an inspection processing module for inspecting the defective area indicated by the DFL entry having an attribute indicating that physical reformatting has been performed while there is no operation instruction from a higher-level control device and invalidating the DFL entry if defects in the defective area have been eliminated and allocating a substitute area to the defective area if a defect in the defective area is confirmed.

17-21. (Canceled)

22. (New) The information recording device according to claim 14, wherein, in a case where user data is recorded in the defective area of the DFL entry having an attribute subjected to the physical reformatting, or in a case where the user data is recorded in the substitute area to be a substitute destination of the defective area of the DFL entry having the attribute subjected to the physical reformatting, the defect status information is changed from the one form to the another form.